

SEP 16 2022

**-FILED-**  
 SEP 16 2022  
 At GARY T. BELL, Clerk  
 U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF INDIANA

# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA

[This form is for prisoners to sue for civil rights violations. NEATLY print in ink (or type) your answers.]

QUAMAYNE SIMMONS,  
 [You are the PLAINTIFF, print your full name on this line.]

v.

JOHN GALIPEAU, ET AL.  
 [The DEFENDANT is who you are suing. Put ONE name on this line. List ALL defendants below, including this one.]

3:22-cv-783

Case Number \_\_\_\_\_  
 [For a new case in this court, leave blank.  
 The court will assign a case number.]

[The top of this page is the caption. Everything you file in this case must have the same caption. Once you know your case number, it is VERY IMPORTANT that you include it on everything you send to the court for this case. DO NOT send more than one copy of anything to the court.]

## PRISONER COMPLAINT

#	Defendant's Name and Job Title	Work Address
1	[Put the defendant named in the caption in this box.] <u>JOHN GALIPEAU (WARDEN)</u>	<u>5501 S. 1100 WEST</u> <u>WESTVILLE, IN. 46391</u>
2	[Put the names of any other defendants in these boxes.] <u>MS. LIVERS (NURSE)</u>	<u>5501 S. 1100 WEST</u> <u>WESTVILLE, IN. 46391</u>
3	<u>MS. ALLEN (NURSE)</u>	<u>5501 S. 1100 WEST</u> <u>WESTVILLE, IN. 46391</u>

[If you are suing more defendants, attach an additional page. Number each defendant. Put the name, job title, and work address of each defendant in a separate box as shown here.]

1. How many defendants are you suing? 7

2. What is the name and address of your prison or jail? 5501 SOUTH 1100 WEST  
WESTVILLE, IN. 46391

3. Did the event you are suing about happen there? ☒ Yes. ☐ No, it happened at: \_\_\_\_\_

4. On what date did this event occur? 2/16/22 (AND HAS CONTINUED)

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

DEFENDANT(S) CONT

#4) Ms. Kelly (Nurse)

~ WORK ADDRESS ~  
5501 S. 1100 WEST  
WESTVILLE, IN. 46391

#5) Ms. Chapman (Officer)

5501 S. 1100 WEST  
WESTVILLE, IN. 46391

#6) Mr. Whitaker (Officer)

5501 S. 1100 WEST  
WESTVILLE, IN. 46391

#7) Ms. Gleeson (Sgt./Officer)

5501 S. 1100 WEST  
WESTVILLE, IN. 46391

#8) Mr. Black (Sr) (LT./Officer)

5501 S. 1100 WEST  
WESTVILLE, IN. 46391

#9) Mr. Watts (Deputy Warden)

5501 S. 1100 WEST  
WESTVILLE, IN.  
46391



CLAIMS and FACTS

DO: Write a short and plain statement telling what each defendant did wrong.

DO: Use simple English words and sentences.

**DO NOT:** Quote from cases or statutes, use legal terms, or make legal arguments.

DO: Explain when, where, why, and how each defendant violated your rights.

DO: Include every fact necessary to explain your case and describe your injuries or damages.

DO: Number any documents you attach and refer to them by number in your complaint.

**DO NOT:** Include social security numbers, dates of birth, or the names of minors.

DO: Use each defendant's name every time you refer to that defendant.

DO: Number your paragraphs. [The first paragraph has been numbered for you.]

1. John Galipeau has/had knowledge of his officer's, SGT, LT, NURSE'S, AND STAFF NAMED CAUSING UNDOE HARM AND PAIN TO PLAINTIFF, AND NOT STOPPING THEIR ACTIONS, NOR HELPING PLAINTIFF TO GET MEDICAL ASSISTANCES. MR. GALIPEAU WAS AWARE THAT PLAINTIFF HAS STAGE 3 CANCER, AS WELL AS PLAINTIFF HAS A COLOSCOPY BAG, DEFENDANT(S) WERE MADE AWARE OF MY MEDICAL ISSUES UPON COMING TO WESTVILLE CORRECTIONAL FACILITY (HEREAFTER WCF)

# 2) NURSE LIVER HAS REFUSED TO ORDER, AND PROVIDE PLAINTIFF WITH A CHANGE OF HIS COLOSCOPY BAG(S) FOR DAYS AT A TIME, SHE'S REFUSED TO ORDER THE SUPPLIES NEEDED TO CHANGE MY COLOSCOPY BAG FOR UP TO (2) TWO MONTHS, WHEREAS AT TIMES PLAINTIFF HAS HAD TO GO WITHOUT CHANGING, AND/OR GETTING A NEW COLOSCOPY BAG FOR UP TO (2) TWO WEEKS.

# 3) NURSE ALLEN, LIKEWISE HAS REFUSED TO PROVIDE PLAINTIFF WITH A CHANGE OF HIS COLOSCOPY BAG ON A DAILY BASE'S, STATING THERE'S AN "OFFICER SHORTAGE" THUS NOT BEING ABLE

## Claims and Facts (continued)

To open "food slots" to give plaintiff a change of his Colostomy bag, whereas plaintiff is on a restrictive housing unit (hereafter RHU) and medical supplies, including his Colostomy bags are not allowed to be kept in his cell nor on his person, plaintiff has said/told this to Nurse Allen many times over these past months.

"Nurse Kelly has likewise refused my medical supplies, including the change of Colostomy bag, I've told Nurse Kelly (as well as other nurse's) of the pain caused by not changing my Colostomy bag to the area where the Colostomy bag connect to my stomach, as well as pain throughout my stomach, nothing has been done. As you can see (see attached HCR) I've filed a number of Health Care Request. None has addressed my medical needs.

I WAS TO START "Chemo" SESSIONS IN JAN/FEB 2022, but due to the fact that WCF does not have the Doctor's, Nurse's, nor the equipment, I've had zero treatments to date, I have Stage 3 Cancer, life threatening, and WCF has done nothing but cause me more pain and suffering by not treating my illness.



5. When did this event happen?

- ☐ Before I was confined.  
☐ While I was confined awaiting trial.  
☒ After I was convicted while confined serving the sentence.  
☐ Other: \_\_\_\_\_

6. Have you ever sued anyone for this exact same event?

- ☒ No.  
☐ Yes, attached is a copy of the final judgment OR an additional sheet listing the court, case number, file date, judgment date, and result of the previous case(s).

7. Could you have used a prison grievance system to complain about this event?

- ☐ No, this event is not grievable at this prison or jail.  
☒ Yes, I filed a grievance and attached is a copy of the response from the final step.  
☐ Yes, this event was grievable, but I did not file a grievance because \_\_\_\_\_

<SEE ATTACHED DOCUMENTS X 7>  
 <REQUEST FOR HEALTH CARE X 6>

8. If you win this case, what do you want the court to order the defendant(s) to do?

[NOTE: A case filed on this form will not overturn your conviction or change your release date.]

\*1> \$1,000,000<sup>00</sup> <ONE MILLION DOLLARS>  
 \*2> NO, TERMINAL ILL INMATES BE HOUSED  
 AT WESTVILLE CORRECTIONAL FACILITY

[Initial Each Statement]

- QS I will pre-pay the filing fee OR file a prisoner motion to proceed in forma pauperis.  
 QS I will keep a copy of this complaint for my records.  
 QS I will promptly notify the court of any change of address.  
 QS I WILL NOT send more than one copy of any filing to the court.  
 QS I WILL NOT send summons, USM-285, or waiver forms to the clerk.  
 QS I declare under penalty of perjury that the statements in this complaint are true.

I placed this complaint in the prison mail system on 09/05/2022 at 1:00 am/pm.  
 [Do not fill in this date and time until you give the complaint to prison officials to send to the court.]

Quamayne Simmons  
 Signature

262509  
 Prisoner Number

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]



CLAIMS AND FACTS (CONTINUED)

\*5) OFC. CHAPMAN, HAS REFUSED TO ALLOW NURSE'S TO TREAT PLAINTIFF, REFUSING TO CALL MEDICAL WHEN PLAINTIFF HAVE BEEN IN PAIN, NOT ALLOWING HIM SHOWERS, TO EFFECTIVE CLEAN THE AREA OF HIS COLOSCOPY BAG, PLAINTIFF HAS ASK THIS OFFICER TO LET MEDICAL KNOW HE HAS NO SUPPLIES, THIS OFFICER HAS STATED "IT'S NOT HER JOB" LEAVING PLAINTIFF IN HIS CELL WITHOUT A CHANGE OF HIS COLOSCOPY BAG, WHEREFORE, IT HAS BEEN STATED THAT SUPPLIES, INCLUDING COLOSCOPY BAG'S ARE NOT ALLOW TO BE KEPTED INSIDE PLAINTIFF'S CELL, NOR ON HIS PERSON.

\*6) OFC. WHITAKER HAS TOLD PLAINTIFF THAT HE'S NOT DOING "ANYTHING" FOR THE PLAINTIFF BECAUSE THE PLAINTIFF WAS PLACED ON RHU FOR AN ALLEGED ASSAULT ON STAFF. REFUSING PLAINTIFF A CHANGE OF HIS COLOSCOPY BAG, LEAVING PLAINTIFF IN HIS CELL WITH NO SOAP, SHOES, CLOTHING, REFUSING TO ALLOW PLAINTIFF A SHOWER FOR (3) THREE DAYS OR MORE.

\*7) SGT. GLEESON HAS NEGLECTED HER DUTIES BY REFUSING PLAINTIFF FOOD, SHOWERS, USE OF PHONE, CHANGE OF HIS COLOSCOPY BAG, AS WELL AS NOT CALLING AND/OR LETTING THE NURSE'S KNOW WHEN PLAINTIFF IS IN PAIN, OR IN NEED OF A



## CLAIMS AND FACTS (CONTINUED)

CHANGE OF HIS COLOSCOPY BAG,

"B) LT. SIRBLACK, HAS DEGRADED PLAINTIFF BY STATING HE WISH PLAINTIFF WOULD "HURRY AND DIE". THEN HE (SIRBLACK) WOULD HAVE TO DO THE EXTRA WORK OF GIVING PLAINTIFF, FOOD, SHOWERS, OR A CHANGE OF HIS COLOSCOPY BAG. LT. SIRBLACK STATED BECAUSE OF THE "ALLEGED ASSAULT ON STAFF" THAT HE (LT. SIRBLACK) WASN'T DOING "NOTHING" FOR PLAINTIFF. LT. SIRBLACK MAKE IT A POINT TO SINGLE OUT PLAINTIFF TO REFUSE PLAINTIFF HIS BASIC HUMAN NEEDS. i.e. SHOWER, SOAP, TOOTH PASTE, ETC. ETC.

BASED ON THE FACTS, THESE DEFENDANTS (POSSIBLY MORE DEFENDANTS TO BE ADDED AT A LATER DATE) SHOULD BE HELD ACCOUNTABLE FOR THERE ACTIONS, AS I'VE SHOWN IN MY "CLAIMS AND FACTS". DEFENDANTS HAVE NOT GIVEN PLAINTIFF THE PROPER MEDICAL CARE BASED ON HIS STAGE 3 CANCER.

FURTHERMORE, DEFENDANTS HAVE NOT TAKEN INTO ACCOUNT OF PLAINTIFFS DISABILITY FOR THEY (DEFENDANTS) HAVE FAILED, NEGLECTED, AND PLAIN REFUSED PLAINTIFF THE MEDICAL CARE THAT KEEP HIM ALIVE. DEFENDANTS ACTIONS BY NOT STARTING HIS (PLAINTIFFS) "CHEMO" SESSIONS IN JAN/FEB 2022 FURTHER SHOWS THAT DEFENDANTS ARE TO BLAME, AND THAT WOLF CAN NOT PROVIDE THE



CLAIMS AND FACTS (CONTINUED)

PROPER FACILITY/MEDICAL CARE PLAINTIFF NEEDS  
AT THIS STAGE OF HIS HEALTH CARE.

UNDER THE "STRESS" THAT HAS BE SET  
FORTH IN THIS PAUSE, PLAINTIFF FEARS FOR HIS HEAL-  
TH AND WELLBEING, AS WELL AS HIS LIFE, UNDER TH-  
ESE PRESENT CIRCUMSTANCES, HOUSED AT  
WESTVILLE CORRECTIONAL FACILITY.

Quamayne Simmons

QUAMAYNE SIMMONS

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## CLAIMS AND FACTS (CONTINUED)

9) Deputy Warden Watts is in a position to stop the neglect and abuse Plaintiff has been suffering. Mr. Watts is well aware of the treatment Plaintiff is going through, i.e. grievances, but Defendant Watts has chosen to set aside. As other Defendants, Mr. Watts had/has first hand knowledge of Plaintiff not getting his medical supplies, i.e. colostomy bags. As well as Plaintiff being placed in a cell with no soap, toothpaste, etc. nor means to clean the area where the colostomy bag connects to the Plaintiff's body.



CLAIMS AND FACTS (CONTINUED)

FURTHERMORE, PLAINTIFF HAS BEEN IN AN ISOLATED CELL ON RESTRICTIVE HOUSING UNIT (HEREINAFTER RHU) WITH NO WAY OF DISPOSING HIS USED COLOSTOMY BAGS. PLAINTIFF WAS NOT GIVEN ANY "HAZARD WASTE BAGS" TO THROW AWAY USED COLOSTOMY BAGS, LEAVING PLAINTIFF IN HIS CELL WITH Fecal MATTER/WASTE COLOSTOMY BAGS IN THERE WITH HIM. PLAINTIFF HAVE REQUESTED BAGS TO DISPOSE COLOSTOMY BAGS THAT HAS BEEN USED, BUT PLAINTIFF HAS BEEN REFUSED. NURSES, AS WELL AS OFFICERS (NAMED) DEFENDANTS WAS MADE AWARE OF THESE USED COLOSTOMY BAGS ON A NUMBER OF TIMES. THE USED COLOSTOMY BAGS CAN NOT BE FLUSHED DOWN THE TOILET.